

OGC Has Reviewed  
ODP 2543-76  
17 DEC 1976 OGC-76-7410

MEMORANDUM FOR: Deputy Director for Administration

FROM : Clifford D. May, Jr.  
Director of Data Processing

SUBJECT : Assistance to the National Aeronautics and Space Administration

REFERENCES : a. [REDACTED] Annex E, Procedures to Obtain Approval for CIA Assistance to Other Government Agencies STATINTL  
 b. OGC 76-1949 dtd 27 Jul 76, subject: Procedures for Rendering Advice Pursuant to [REDACTED] Annex E. STATINTL  
 c. OGC 76-6212 dtd 8 Nov 76, subject: Assistance to Other Government Components.  
 d. ODP 1725-76 dtd 7 Sept. 76, same subject as Reference c.

1. The Office of Data Processing requests approval to provide the National Aeronautics and Space Administration (NASA), and subsequently other government components, with the assistance outlined below.

a. Description of Activity: Transfer to NASA Goddard Space Flight Center of a computer magnetic tape containing unclassified ASP system software program modifications written at CIA. Included with this tape of program modifications is a brief description of each modification and the ASP system software modules affected. ASP is an unclassified IBM computer system used by several large IBM computer installations to operate multiple computer mainframes as a single "batch" computer system. These CIA-written modifications will be distributed to other ASP users, government and non-government, through SHARE, an IBM computer users group (see Reference d.). The current SHARE Committee Chairman for this clearing house activity works at NASA/Goddard. The modifications will be attributed to CIA, but their use by SHARE members is at the member's own risk. CIA bears no responsibility other than providing informal consultation on the use of these modifications.

b. Location of Assistance: Magnetic tape will originate at CIA Headquarters building.

c. Organization Involved: Office of Data Processing.

d. Basis for Activity:

1). Over the past few years, individuals in the Systems Programming Division of ODP have developed unclassified software routines and systems which we feel are of general interest to other users of IBM 360/370 computers. These software packages have been requested by other computer installations who have learned of them through our participation in computer user groups such as SHARE and GUIDE. Since this software was developed with Government resources, we have been reluctant to give out Agency-developed software to individual companies. As we understand the legalities, we are compelled to utilize a publicly-accessible library, or some such mechanism, for placing the software in the public domain.

2) In the past, IBM has maintained a facility for the sharing of software--the SHARE Library. In 1968 we contributed the CIA-written Steno to English Translation software to that Library as a way of declaring that software to be in the public domain. Currently, the common mechanism for distributing software which is related to the ASP Operating System is through the ASP Committee of SHARE. The Agency has frequently drawn from this source for modifications and facilities for our own systems.

e. Financial Costs: The cost of the computer tape and the personnel and computer time spent in providing this tape to NASA/Goddard is estimated to be less than \$100.

f. Manpower: One to three ODP employees are expected to spend no more than three manhours providing this tape to NASA/Goddard.

g. Agency Employee to Consult for Additional Information: Ms. [REDACTED], ext. 4311.

2. ODP strongly believes that the Agency has an obligation to the computing community to share the fruits of our development efforts and that the Agency can only benefit from

the positive publicity which would result from these contributions. We further believe that this activity is in the best interest of the Federal Government and the American taxpayer. We, therefore, recommend that the procedure described in Reference b. be used to expedite approval. No classified information will be discussed while rendering this assistance.

[REDACTED] STATINTL

Clifford D. May, Jr.  


Attachment:

Reference c.  
Reference d.

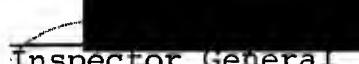
APPROVED:

STATINTL [REDACTED]

 Deputy Director for Administration

Date

STATINTL [REDACTED]

 22 DEC 1976

Date

STATINTL [REDACTED]

 General Counsel

 Date

Distribution:

Orig + 1 - adse (Orig to be returned to ODP)

1 - OIG

1 - OGC

STATINTL [REDACTED]

1 - [REDACTED] ODP

1 - DD/A/ODP

1 - DD/P/ODP

1 - C/SPS/ODP

1 - ODP Registry

2 - O/D/ODP

INSPECTOR GENERAL

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OGC 76-6212  
8 November 1976

OGC 76-345-76

MEMORANDUM FOR: Inspector General

STATINTL

FROM :

[REDACTED]  
Assistant General Counsel

SUBJECT : Assistance to Other Government Components

REFERENCES : A. Your Memo dated 1 October 1976, same subject  
IG 76-3061  
B. ODP Memo dated 7 September 1976, same subject  
ODP 1725-76

1. Referent ODP memorandum requests approval for three types of activities:

a. Participation by ODP personnel -- as individuals, not as official representatives -- in ADP professional societies, in Government-sponsored ADP committees and user groups, and in vendor-sponsored ADP user groups, in each case for the purpose of promoting the exchange of data processing technical and administrative information;

b. Technical assistance to other Government (and non-Government) components, usually resulting from participation in these ADP committees and groups;

c. Approval to transfer ADP records containing intelligence information, or computer programs used to solve specific intelligence problems, to other Government organizations, upon receiving certification from the CIA component requesting the transfer, that the transfer is in compliance with [REDACTED], ANNEX E.

STATINTL

2. As concerns membership and participation of the type described in subparagraph 1a, this Office finds no legal objections to ODP personnel participating in these activities. It is understood that this participation occurs on an individual basis, and represents an exchange of unclassified technical ADP knowledge, and does not involve the exchange of actual Agency software or ADP file data. On this basis, I believe approval should be granted to participate in these activities on a continuing basis.

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3. Indeed, with respect to that specific aspect of the activities mentioned in subparagraph 1a which consists of attendance and participation on an individual basis in professional societies, as distinct from the ADP user group activities, the issue would appear to be one of employee outside activities, requiring that type of approval, and not requiring approval on the basis of assistance to another Government agency.

4. As concerns the provision of technical assistance to other Government and non-Government components, it is our opinion that these activities should continue to be addressed and approved on an individual basis. As you know the Director has provided an assurance that this Office will review proposed requests for assistance to other Government organizations. In addition, there are certain combinations of non-Government organizations and activities where Agency participation would be inappropriate, if not actually unlawful.

5. As regards the transfer of ADP files containing substantive intelligence data, or the transfer of actual computer programs, here, too, it is our opinion that these transactions must continue to be approved by this Office on an individual basis. However, this Office interposes no objection to the procedural arrangement which ODP suggests in paragraph 5, Reference B; that is, requiring prior certification from the Agency component initiating the request for a transfer of ADP materials, that the transfer is in compliance with [REDACTED] ANNEX E.

STATINTL



7 SEP 1976

MEMORANDUM FOR: General Counsel  
THROUGH : Inspector General  
VIA : Deputy Director for Administration  
SUBJECT : Assistance to Other Government Components  
REFERENCE : a. OGC 76-1949, dtd 27 July 1976, Subject:  
Procedures for Rendering Advice Pursuant  
to [REDACTED], Annex E STATINTL  
b. [REDACTED] Annex E, Procedures to Obtain STATINTL  
Approval for CIA Assistance to Other  
Government Components  
c. OGC 76-1951, dtd 16 April 1976, Subject:  
Office of Joint Computer Services

1. The Office of Data Processing (ODP, formerly OJCS) provides assistance to other Government components (and business and academic organizations) that falls into two general categories: the exchange of unclassified technical information related to data processing and computer technology; and the exchange of ADP records containing intelligence information. The purpose of this memorandum is to obtain your approval to continue the exchanges of ADP-related information which are necessary and desirable in the conduct of our business.

2. Paragraph 4 of Reference c states that during a recent survey several legal questions were discussed that need further OGC study or require further OGC guidance to ODP. One of these questions, which is still an open item, is "Restrictions created by Executive Order 11905 and [REDACTED] on providing other Government Agencies computer programs and access to computer files of the Agency." The assistance provided by ODP to the Social Security Administration referred to in Reference a is an example of providing another Federal Agency with a computer program and related documentation. The "Brook's Bill" (40-U.S.C. 759) encourages executive agencies of the Federal Government to share and exchange information related to data processing technology to promote increased cost effectiveness in the selection, acquisition and utilization of automatic data processing equipment. The Bill also encourages the use of advanced techniques in the design of data systems and advocates intra-agency and

31st Law  
i-506

interagency integration of systems. Executive Order 11905, Section 5 (e) (2) states "These prohibitions shall not, however, preclude:... (ii) provision of specialized equipment or technical knowledge for use by any other Federal department or agency." It is the opinion of ODP that assistance to other Federal Government Agencies in the form of technical information regarding data processing technology is permitted and encouraged by Federal Law and Executive Order.

3. ODP participates in several groups whose purpose is to promote the exchange of data processing technical and administrative information. These groups fall into three categories: Government ADP committees and user groups, ADP vendor user groups; and ADP professional societies. Examples of the first type of group are the Interagency Committee on ADP (IAC/ADP) and the Federal ADP Users Group (FADPUG). Both of these groups are sponsored by GSA in response to the Brooks Bill and provide a forum for exchanging ADP information and a channel for promulgating ADP regulations, standards, and guidelines. These groups also sponsor ADP special interest groups, such as a group on project management, to promote standard practices. Examples of the second type of group are the GUIDE and SHARE users groups whose membership is limited to organizations with IBM equipment installed or on order. These groups were formed by IBM users to provide a forum for exchanging information related to IBM hardware and software products. GUIDE and SHARE also provide IBM users with a collective voice for communicating with IBM. Other ADP hardware and software vendors have similar user groups. Examples of the third type of group are the Association for Computer Machinery (ACM), the Data Processing Management Association (DPMA), and the IEEE Computer Society. Although ODP is not an organizational member of any ADP professional society, many of our personnel are individual members and attend conventions and seminars sponsored by these societies. It is not uncommon for ODP personnel to make personal contacts at these meetings which result in informal exchanges of technical information.

4. ODP has found that participation in the three types of organizations described in Paragraph 3, is beneficial to the Agency, ODP, and ODP personnel. We believe that our participation is not illegal in any respect and is consistent with the provisions of the Brooks Bill and E.O. 11905. We therefore, request blanket approval for our continued participation in these groups and for the technical assistance to other Government (and non-government) components resulting from this participation.

5. In addition to the exchanges of technical information described above, ODP occasionally provides to other Government organizations ADP records containing intelligence information or computer programs used to solve specific intelligence problems. We provide these ADP records at the request of other CIA components and we are not in a position to judge whether prior approval should be obtained pursuant to HR [redacted] Annex E. Henceforth, we will require other CIA components that request the transfer of ADP records to another Government component to provide ODP with a memorandum certifying that the transfer is in compliance with [redacted] Annex E. A copy of this memorandum will be forwarded by ODP to the DDA, IG, and GC. Upon receipt of the certification, we will release the ADP records as requested. We believe that such procedures will protect ODP from any inadvertent violation of Reference b.

[redacted] STATINTL

Clifford D. May, Jr.  


UNCLASSIFIED INTERNAL CONFIDENTIAL SECRET

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File: NASA

## ROUTING AND RECORD SHEET

06c76-7410  
12-23 '76

SUBJECT: (Optional)

(Yellow in DDA)

Assistance to the National Aeronautics &amp; Space Administration

FROM:	B/ODP/DDA 2-D-00 HQS. x4011	EXTENSION	NO.	DATE	
				RECEIVED	FORWARDED
1.	DDA, 7D-24, Hq.	20 DEC 1976	3		
2.					
3.					
4.	IG, 2E-24, Hq.	21 Dec.	22 Dec.	JZ	
5.					
6.					
7.	OG, 7D-01, Hq.	12-23-76	14/30	KHL	
8.					
9.	DDA	9 JAN 1977		Z	
10.	D/ODP				
11.	E O -	4 Jan	GD		
12.					
13.	B/ODP/DDA 2-D-00 HQS. x4011				
14.					
15.					

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